

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re  
WESTMOUNT GROUP, INC. Case No. 21-30633-HCM-11  
Debtor.

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THE DISTRICT COURT  
OF EL PASO COUNTY, TEXAS  
327<sup>TH</sup> JUDICIAL DISTRICT COURT

ALBERT FLORES, §  
Plaintiff, § Case No. 2021DCV3555  
and §  
FIDELITY NATIONAL TITLE §  
INSURANCE COMPANY and §  
WESTSTAR TITLE, LLC §  
Intervenors/Third Party Plaintiffs, §  
v. §  
WESTMOUNT GROUP, INC., §  
Intervenor/Third Party Defendant, §

**NOTICE OF REMOVAL**

TO THE HONORABLE THOMAS SPIECZNY, JUDGE PRESIDING:

TAKE NOTICE, that the Plaintiff ALBERT FLORES has this day filed his Notice of Removal of this case, in this Court and in the United States Bankruptcy Court for the Western District of Texas, El Paso, Division. The removal is to the Bankruptcy Court.

1.

This Notice of Removal is brought under 28 U.S.C. § 1452(a) and F.R. Bankr. P. 9027 and Local Bankruptcy Rule 9027(b), which substitutes the Bankruptcy Court for the District Court as the federal Court in which the Notice is to be filed.

2.

The facts which entitle ALBERT FLORES (“FLORES”) to remove this case are:

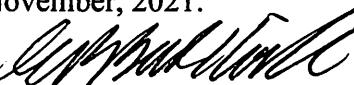
- a) FLORES sued the Debtor WESTMOUNT GROUP, INC. in the 327<sup>th</sup> District Court for El Paso County Texas on July 27<sup>th</sup>, 2021.
- b) WESTMOUNT GROUP, INC. filed for Chapter 11 protection on August 23, 2021. The bankruptcy case was converted to Chapter 7 on October 26, 2021.
- c) FLORES has claims for fraudulent transfer against WESTMOUNT GROUP, INC. as the fraudulent transferee of another Defendant in this suit.
- d) The claims against the fraudulent transferee WESTMOUNT GROUP, INC. sound under Texas Business and Commerce Code §§ 24.005 and 24.006. There are other claims for fraudulent and avoidable transfers which the Chapter 7 Trustee can assert against WESTMOUNT GROUP, INC. under 11 U.S.C. §§ 542, 544, 547, 548, 549, and 550.

- e) After the automatic stay was imposed by WESTMOUNT GROUP, INC.'s bankruptcy filing, Intervenor WESTSTAR TITLE COMPANY severed the action against WESTMOUNT GROUP, INC. into Docket No. 2021DCV3555. No other action has transpired in Docket No. 2021DCV3555. The pleadings in Docket No. 2020DCV2997 still inform what issues are joined in Docket No. 2021DCV3553.
- f) The removal of both actions (2020DCV2997 and 2021DCV3555) to the Bankruptcy Court will better assure that complete relief can be afforded, as the asserted fraudulent transfer and the asserted fraudulent transferee will both be amenable to suit upon common facts in the same forum, thereby eliminating duplication of resources and time.

3.

A copy of the docket sheet for the removed proceeding is hereto attached. Due to the bulk of the record, Mr. FLORES is separately requesting leave to gather the entire record within 15 days or such other time as the Bankruptcy Court will allow.

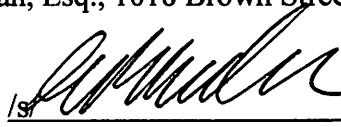
Respectively submitted this 22<sup>nd</sup> day of November, 2021.

/s/   
E.P. BUD KIRK  
Texas State Bar No. 11508650  
600 Sunland Park Dr.  
Building Four, Suite 400  
El Paso, TX 79912  
(915) 584-3773  
(915) 581-3452 facsimile  
[budkirk@aol.com](mailto:budkirk@aol.com)

Attorney for ALBERT FLORES

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 22 day of November, 2021, I did cause a copy of the foregoing Notice of Removal to Westmount Group, Inc., c/o Keyvan Parsa, 810 N. Kansas Street, El Paso, TX 79902-5207; to Keyvan Parsa, 7604 Plaza Redonda, El Paso, TX 79912; to Stephen W. Sather, 7320 N MoPac Expy, Ste. 400, Austin, TX 78731; to Montoya Park Place, Inc., Troy C. Brown, 1074 Country Club Rd., Ste. B4, El Paso, TX 79932; to Weststar Title, LLC, c/o James W. Brewer, 221 N. Kansas, Ste. 1700, El Paso, TX 79901-1401; to Fidelity National Title Insurance Company, c/o Shakira Kelley, 6900 Dallas Parkway, Suite 610, Plano, Texas 75024; and to Deborah Jordan, c/o Richard A. Roman, Esq., 1018 Brown Street, El Paso, Texas 79902.

  
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E.P. BUD KIRK

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CASE No. 2021DCV3555

Albert Flores, Plaintiff, and Fidelity National Title Insurance Company §  
and WestStar Title, LLC, Intervenors/Third Party Plaintiffs v. §  
Westmount Group, Inc., Intervenor/Third Party Defendant §  
§  
§

Case Type: Other Contract  
Date Filed: 10/07/2021  
Location: 327th District Court

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**RELATED CASE INFORMATION**

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**Related Cases**

2020DCV2997 (Related Case)

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**PARTY INFORMATION**

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Intervenor **Fidelity National Title Insurance Company**

Lead Attorneys  
Gregory Brewer  
Retained  
972-812-6550(W)

Intervenor **Westmount Group, Inc.**Intervenor **WestStar Title LLC**Plaintiff **Flores, Albert**Third Party Defendant **Westmount Group, Inc.**Third Party Plaintiff **Fidelity National Title Insurance Company**

Gregory Brewer  
Retained  
972-812-6550(W)

Third Party Plaintiff **WestStar Title, LLC**

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**EVENTS & ORDERS OF THE COURT**

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**OTHER EVENTS AND HEARINGS**

10/07/2021	Order for Severance	Index # 2
10/07/2021	Letter	Index # 3